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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,323	02/23/2004	Matthew J. Perry	1828K	8720

54964 7590 10/06/2006

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EXAMINER

BROWN, MICHAEL A

ART UNIT PAPER NUMBER

3772

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,323

Applicant(s)

PERRY ET AL.

Examiner

Michael Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7-18-06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cone '200 in view of Ladd, along with Barak '081.

Cone '200 discloses in figures 1-11 a compression treatment system comprising a first bladder 56, a second bladder 56, both bladders are in fluid communication with a fluid source (a fluid pump), the first bladder is inflated for a first time period and the second bladder is inflated for a second time period, the second time period being initiated within the first time period (col. 3, lines 28-48), a single pressure sensor (transducer) 102, in communicating with the first and second bladders, a controller (claim 14), that communicated with the pressurized fluid source, the pressure transducer, the controller is configured to monitor and regulate pressure in the bladders (via the valves), the controller is disposed in a portable housing 10, the housing includes a plurality of ports 32, connectable to the plurality of bladders 56, the pressure transducers monitors each port and sends a signal to the controller, (col. 7, lines 65- col. 8, lines 1-20); the controller includes separate valves 98, a pneumatic circuit 112, a foot bladder (the bladders in fig. 3 cover the foot), the device includes a third bladder 56,

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a first plurality of bladders 56, a second plurality of bladders 56, a first bladder (either of the bladders 56 or the lowest bladder 56) of the first plurality of bladders is inflated for a first time period, a second bladder of the first plurality of bladders is inflated for a second time period, a first bladder of the second plurality of bladders can be inflated for a first time period, a second bladder of the second plurality of bladders can be inflated for a second time period (each of these time periods are controlled by the controller and the pressure transducer), first valve 98, a second valve 98, a third valve 98, a fourth valve 98 and a solenoid 90. However, Cone doesn't disclose a check valve. Ladd teaches in figures 1-3 a medical irrigation pump and system comprising a first bladder 17a, a second bladder 17b, a pressure sensor means 46, a check valve 62, operably connected to a fluid source 61, for preventing fluid leakage back through a pump 14, for monitoring bladder pressure during inflation. Barak teaches in figures 1-10 a compression treatment system comprising relief valves, solenoid valves and check valves (section 0063) and the relief valves can be substituted for the solenoid valve (section 0059). It would have been obvious to one having ordinary skill in the art that the check valve as taught by Ladd could be substituted for the solenoid valve disclosed by Cone. Substituting the check valve for the solenoid would provide miniaturization and mechanical simplification of the portable pressure system. Using a check valve versus a solenoid valve would make the system smaller, lighter and have longer independent operation. Barak makes a comparison between the solenoid valve and the relief valve. However, one of ordinary skill in the art would recognize that if a solenoid

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valve is being used to block the flow of air, then it is interchangeable with a check valve.

Clearly a check valve can operate without an electrical signal from a controller.

Response to Arguments

Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

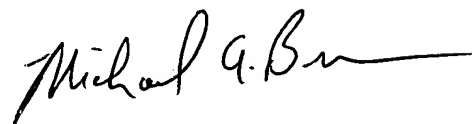
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is 571-272-4972. The examiner can normally be reached on 5:30 am-4:00 pm Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gergory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Brown
October 1, 2006

A handwritten signature in black ink, appearing to read "Michael A. Brown", with a long horizontal flourish extending to the right.

MICHAEL A. BROWN
PRIMARY EXAMINER